

CALIFORNIA CODE OF REGULATIONS

TITLE 14. NATURAL RESOURCES

DIVISION 1. FISH AND GAME COMMISSION -DEPARTMENT OF FISH AND GAME

SUBDIVISION 3. GENERAL REGULATIONS

CHAPTER 6. REGULATIONS FOR IMPLEMENTATION OF THE CALIFORNIA ENDANGERED SPECIES ACT

ARTICLE 2. TAKE INCIDENTAL TO ROUTINE AND ONGOING AGRICULTURAL ACTIVITIES

As of: 4/25/08, Register 2008, No. 17

§ 786.4. Amendments to the Voluntary Local Program.

(a) **Voluntary Local Program:** The voluntary local program may initiate an amendment to a local program by providing written notification to the Department and by providing the Department with the necessary information for review. The Department review and approval of such amendments shall be governed by the following provisions. The Director shall approve any minor or major program amendment if the amended program would continue to meet the standards in section 786.3(g) of this article.

- (1) **Minor Amendments.** Amendments that the Department determines will not significantly modify the scope or nature of the local program; will not likely result in a significant adverse impact on candidate, threatened, or endangered species beyond that anticipated from the originally approved plan; will not likely diminish the habitat-enhancing benefits of the local program; and will otherwise meet the standards in section 786.3(g) of this article shall be considered minor amendments to the local program. The Director shall approve minor amendments and incorporate them into the local program, or shall deny the minor amendments, within 30 days of submission of a minor amendment to the Department. Minor amendments may be used to adapt a local program's management practices based on experience in implementing the local program to make those practices more effective in meeting the standards in section 786.3(g) of this article, provided the Department determines the changes meet the criteria in this subsection (a)(1) for minor amendments. For a minor amendment of a local program for which the Department adopted an environmental analysis, the Department may prepare an addendum to the environmental analysis or other appropriate document.
- (2) **Major Amendments.** Amendments that the Department determines would significantly modify the scope or nature of the local program, likely result in a significant adverse impact on candidate, threatened, or endangered species beyond that anticipated from the originally approved plan, diminish the habitat-enhancing benefits of the local program, or require additional environmental review pursuant to section 21166 of the Public Resources Code or California Code of Regulations, Title 14, section 15162, shall be considered major amendments to the local program. Requests for major amendments shall be reviewed according to the process established in this article for new local programs, except that the information and analysis provided in support of an application for a major amendment may rely on supplemental information to the analysis used in the initial submittal for the local program.

(b) **The Department:** The Department may initiate an amendment to a local program pursuant to this subsection if it believes that an amendment is reasonably necessary to bring the local program into compliance with the provisions in section 2086(b) of the Fish and Game Code or any other relevant provision of law.

- (1) To make minor amendments as defined in subsection (a)(1) of this section, the Department shall notify in writing the voluntary local program designee of the proposed minor amendment and give the voluntary local program participants 60 days to accept or decline the proposed minor amendments. If the voluntary local program decides to decline the proposed minor amendments, the Department may initiate steps necessary to allow for the termination of the program or allow individuals to withdraw from the voluntary local program. If the voluntary local program accepts the amendments or fails to respond within the 60 days, the Department may approve the minor amendments with no further consultation.
- (2) To make major amendments as defined in subsection (a)(2) of this section, the Department must make a finding that the program is not in compliance with section 2086(b) of the Fish and Game Code and state its rationale. The local program designee shall be notified in writing of the findings and rationale and be given 60 days to respond to deficiencies outlined by the Department. If the voluntary local program fails to amend the program, as directed by the Department, the Department may initiate steps necessary to terminate the program and allow individuals to withdraw from the voluntary local program.